

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**

Atty. Dkt. No. 072827-1905

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Alan Mueller, et al.  
**Title:** METHODS AND COMPOUNDS  
FOR TREATING DEPRESSION  
AND OTHER DISORDERS  
**Appl. No.:** 09/990,405  
**Filing Date:** 11/21/2001  
**Examiner:** William R. A. Jarvis  
**Art Unit:** 1614

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
I hereby certify that this paper is being facsimile transmitted to the  
United States Patent and Trademark Office, Alexandria, Virginia  
on the date below.

Deborah Wykes  
(Printed Name)

[Signature]  
(Signature)

July 14, 2003  
(Date of Deposit)

**AMENDMENT AND REPLY UNDER 37 CFR 1.111**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the Non-Final Office Action dated January 14, 2003 concerning the above-referenced patent application.

Applicant has enclosed with this amendment a Petition for Extension of Time to make this response timely.

The amendments presented below are in compliance with the revised amendment format permitted in the Notice from the Office of Patent Legal Administration of the U.S. Patent and Trademark Office dated February 10, 2003, and published at 1267 OG 106 on February 25, 2003. Thus, the provisions of 37 CFR 1.121(a), (b), (c) and (d) are waived for amendments made in this application to the claims, specification, and drawings.

09/03/2003 FPATTERS 00000001 500872 09990405

-1-

01 FC:2253 465.00 DA  
02 FC:2253 35.00 DA  
03 FC:2253 42.00 DA

Received from &lt; &gt; at 9/3/03 5:52:14 PM [Eastern Daylight Time]

**BEST AVAILABLE COPY**

Atty. Dkt. No. 072827-1905

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this document.

**Remarks/Arguments** begin on page 15 of this document.

Please amend the application as follows:

**FOLEY & LARDNER**  
ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CA 92130  
P.O. BOX 80278  
SAN DIEGO, CALIFORNIA 92138-0278  
TELEPHONE: 858.847.6700  
FACSIMILE: 858.792.6773  
WWW.FOLEYLARDNER.COM

CTO  
9/4/03

**FACSIMILE TRANSMISSION****Total # of Pages 22 (including this page)**

TO:	PHONE #:	FAX #:
Examiner Ostrup U.S. Patent and Trademark Office		703-746-5044

**From :** Wesley B. Ames**Date :** September 3, 2003**Client/Matter No :** 072827-1905**User ID No :** 0188**MESSAGE:**

As you requested, the following is an Amendment and Reply Under 37 CFR 1.111 which was previously faxed to Examiner William R. A. Jarvis on July 14, 2003.

If there are any problems with this transmission or if you have not received all of the pages, please call .

Operator:	Time Sent:	Return Original To: Deborah L. Wykes
-----------	------------	---

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

SEP. 3. 2003 2:46PM

858 792-6773 FOLEY AND LARDNER

NO. 3615 P. 2 P. 1

\* \* \* COMMUNICATION RESULT REPORT ( JUL. 14. 2003 4:32PM ) \* \* \*

TTI 858 792-6773 FOLEY AND LARDNER

TRANSMITTED/STORED JUL. 14. 2003 4:27PM  
FILE MODE OPTION

ADDRESS

RESULT

PAGE

1955 MEMORY TX

G3-AT:0188#072827#1905#17037465178# OK

20/20

REASON FOR ERROR  
E-1) HANG UP OR LINE FAIL  
E-2) BUSY  
E-3) NO ANSWER  
E-4) NO FACSIMILE CONNECTION**FOLEY LARDNER**  
ATTORNEYS AT LAW11250 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CA 92130  
P.O. BOX 80278  
SAN DIEGO, CALIFORNIA 92188-0278  
TELEPHONE: 858.847.6700  
FACSIMILE: 858.792.6773  
WWW.FOLEYLARDNER.COM**FACSIMILE TRANSMISSION**Total # of Pages 20 (Including this page)

TO:	PHONE #:	FAX #:
Examiner William R. A. Jarvis U.S. Patent and Trademark Office		703-746-5178

From : Wesley B. Ames

Date : July 14, 2003

Client/Matter No : 072827-1905

User ID No : 0188

**MESSAGE:**

PLEASE SEE ATTACHED.

If there are any problems with this transmission or if you have not  
received all of the pages, please call .

Operator:	Time Sent:	Return Original To: Deborah L. Wykes
-----------	------------	---

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND  
CONFIDENTIAL USE OF THE PERSONS AND RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT  
COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED  
RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU  
HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE  
IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY  
TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

**FOLEY & LARDNER**  
ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CA 92130  
P.O. BOX 80278  
SAN DIEGO, CALIFORNIA 92138-0278  
TELEPHONE: 858.847.6700  
FACSIMILE: 858.792.6773  
WWW.FOLEYLARDNER.COM

**FACSIMILE TRANSMISSION****Total # of Pages 20 (including this page)**

TO:	PHONE #:	FAX #:
Examiner William R. A. Jarvis U.S. Patent and Trademark Office		703-746-5178

**From :** Wesley B. Ames**Date :** July 14, 2003**Client/Matter No :** 072827-1905**User ID No :** 0188**MESSAGE:**

PLEASE SEE ATTACHED.

If there are any problems with this transmission or if you have not  
received all of the pages, please call .

**Operator:****Time Sent:****Return Original To:**

Deborah L. Wykes

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Atty. Dkt. No. 072827-1905

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Alan Mueller, et al.  
Title: METHODS AND COMPOUNDS  
FOR TREATING DEPRESSION  
AND OTHER DISORDERS  
Appl. No.: 09/990,405  
Filing Date: 11/21/2001  
Examiner: William R. A. Jarvis  
Art Unit: 1614

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  <u>Deborah Wykes</u> (Printed Name)  <u>[Signature]</u> (Signature)  <u>July 14, 2003</u> (Date of Deposit)
---

**AMENDMENT TRANSMITTAL**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

[ X ] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a Small Entity statement previously submitted.

[ X ] The fee required for additional claims is calculated below:

	Claims as Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	24	X	20	=	4	x	\$18.00	=	\$72.00
Independents:		X	7	=	0	x	\$84.00	=	\$0.00
First presentation of any Multiple Dependent Claims:						+	\$280.00	=	\$0.00
CLAIMS FEE TOTAL:									\$72.00

[ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. § 1.136(a) for the total number of months checked below:

Atty. Dkt. No. 072827-1905

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$410.00	\$0.00
<input checked="" type="checkbox"/>	Extension for response filed within the third month:	\$930.00	\$930.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,450.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$1,970.00	\$0.00
EXTENSION FEE TOTAL:			\$930.00
<input type="checkbox"/>	Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$55.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:			\$1002.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract 1/2 of above):		\$501.00
TOTAL FEE:			\$501.00

☒ Please charge Deposit Account No. 50-0872 in the amount of \$501.00. A duplicate copy of this transmittal is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 14 July 2003

By Wesley B. Ames

FOLEY & LARDNER  
Customer Number: 33588

Wesley B. Ames  
Attorney for Applicant  
Registration No. 40,893



33588

PATENT TRADEMARK OFFICE

Telephone: (858) 847-6714

Facsimile: (858) 792-6773